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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND F. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1978  
EDWARD B. EVANS 1936-1971

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June 8, 2004

## FACSIMILE COVER SHEET

To: Jordan M. Lofdahl  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax: 703-872-9306

## Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Substitute Response to Restriction  
Requirement containing Certificate  
of Facsimile Transmission (1 page)

From: Douglas A. Scholer  
Reg. No. 52,197

Re: US Application  
Serial No.: 10/700,412  
Filed: November 4, 2003  
Applicant: Robert McClure et al.  
Art Unit: 3644  
Confirmation No.: 5783  
Our Ref.: DBS-02  
Pages: 2 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Jordan M. Lofdahl, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on June 8, 2004.

*Judith L. Volk*  
Judith L. Volk

*June 8, 2004*  
Date

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Judith L. Volk  
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June 8, 2004  
Date

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Confirmation No. 5783**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Robert McClure et al.

Art Unit: 3644

Serial No.: 10/700,412

Examiner: Jordan M. Lofdahl

Filed: November 4, 2003

Atty. Docket No.: DBS/02

For: POSITIONAL BLASTING SYSTEM

**SUBSTITUTE RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is submitted per the suggestion of the Examiner to supplant the reply dated May 19, 2004 in which Applicants previously responded to the Restriction Requirement.

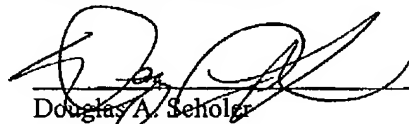
Applicants now elect Group II (claims 10-24). For the reasons stated in the May 19, 2004 response, Applicants respectfully disagree that Groups I, II and III are patentably distinct, and therefore, traverse the election requirement.

Early and favorable examination on the merits is respectfully requested upon receipt and entry of this Amendment. If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

6/8/04

Date



Douglas A. Scholger

Reg. No. 52,197

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Serial No. 10/700,412

Supplant Response to Restriction Requirement dated June 8, 2004

In Response to Restriction Requirement of April 19, 2004

WH&amp;P DBS/02